

AMENDED IN SENATE JUNE 11, 2002

AMENDED IN ASSEMBLY APRIL 15, 2002

AMENDED IN ASSEMBLY MARCH 18, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1933

Introduced by Assembly Members Reyes and Cohn

(Principal coauthor: Senator Escutia)

**(Coauthors: Assembly Members Alquist, Dutra, Firebaugh,
Koretz, Longville, Oropenza, Steinberg, Vargas, and Washington)**

(Coauthors: Senators Bowen, Chesbro, Kuehl, Perata, Romero, and
Soto)

February 12, 2002

An act to add Section 1708.6 to the Civil Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1933, as amended, Reyes. Domestic violence.

Existing law requires every person to abstain from injuring the person or property of another or from infringing upon the rights of another. Existing law also provides that a person who commits a sexual battery, as specified, is liable for damages, including, but not limited to general, special, and punitive damages.

This bill would also provide that a person who commits the tort of domestic violence, as specified, is liable for damages, including, but not limited to, general, special, and punitive damages. The bill would also set forth findings and declarations regarding its purposes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) Acts of violence occurring in a domestic context are
4 increasingly widespread.

5 (b) These acts merit special consideration as torts, because the
6 elements of trust, physical proximity, and emotional intimacy
7 necessary to domestic relationships in a healthy society makes
8 participants in those relationships particularly vulnerable to
9 physical attack by their partners.

10 (c) It is the purpose of this act to enhance the civil remedies
11 available to victims of domestic violence in order to underscore
12 society's condemnation of these acts, to ensure complete recovery
13 to victims, and to impose significant financial consequences upon
14 perpetrators.

15 SEC. 2. Section 1708.6 is added to the Civil Code, to read:

16 1708.6. (a) A person is liable for the tort of domestic violence
17 if the plaintiff proves both of the following elements:

18 (1) The infliction of injury upon the plaintiff resulting from
19 abuse, as defined in subdivision (a) of Section 13700 of the Penal
20 Code.

21 (2) The ~~injury~~ *abuse* was committed by the defendant, a person
22 having a relationship with the plaintiff as defined in subdivision
23 (b) of Section 13700 of the Penal Code.

24 (b) A person who commits an act of domestic violence upon
25 another is liable to that person for damages, including, but not
26 limited to, general damages, special damages, and punitive
27 damages pursuant to Section 3294.

28 (c) The court, in an action pursuant to this section, may grant
29 to a prevailing plaintiff equitable relief, an injunction, costs, and
30 any other relief that the court deems proper, including reasonable
31 attorney's fees.

32 (d) The rights and remedies provided in this section are in
33 addition to any other rights and remedies provided by law.



- 1 *(e) The time for commencement of an action under this section*
2 *is governed by Section 340.15 of the Code of Civil Procedure.*

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